



April 4, 2003

ENGROSSED HOUSE BILL No. 1757

DIGEST OF HB 1757 (Updated April 3, 2003 8:20 AM - DI 104)

Citations Affected: IC 5-10; IC 25-26; IC 27-8; IC 27-13; noncode.

Synopsis: Regulation of pharmacy technicians. Establishes a certification program for pharmacy technicians and a permit program for pharmacy technicians in training. Requires a person to be certified to practice as a pharmacy technician. Adds provisions concerning the designation of mail order and Internet based pharmacies by certain health plans.

Effective: July 1, 2003.

Klinker, Brown T, Orentlicher, Becker

(SENATE SPONSORS — MILLER, GARD, SIMPSON, ROGERS, ANTICH)

January 21, 2003, read first time and referred to Committee on Public Health.
February 10, 2003, amended, reported — Do Pass. Recommitted to Committee on Ways and Means.
February 19, 2003, amended, reported — Do Pass.
February 25, 2003, read second time, amended, ordered engrossed.
February 26, 2003, engrossed. Read third time, passed. Yeas 82, nays 9.

SENATE ACTION

March 4, 2003, read first time and referred to Committee on Health and Provider Services.
April 3, 2003, amended, reported favorably — Do Pass.

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April 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1757

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10-8-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 13. (a) As used in this section, "covered individual"**
4 **means an individual who is entitled to coverage under an employee**
5 **health benefit plan.**

6 **(b) As used in this section, "employee health benefit plan"**
7 **means a group plan of self-insurance, policy, or contract that:**

8 **(1) provides coverage for prescription drugs; and**

9 **(2) is established, purchased, or entered into by an employer**
10 **for the benefit of the employer's employees.**

11 **(c) As used in this section, "employer" means the following:**

12 **(1) A public employer.**

13 **(2) A state educational institution (as defined in**
14 **IC 20-12-0.5-1).**

15 **(d) As used in this section, "mail order or Internet based**
16 **pharmacy" has the meaning set forth in IC 25-26-18-1.**

17 **(e) An employee health benefit plan that provides coverage for**

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1 prescription drugs may designate a mail order or an Internet based
2 pharmacy to provide prescription drugs to a covered individual.

3 (f) An employee health benefit plan may not require a covered
4 individual to obtain a prescription drug from a pharmacy
5 designated under subsection (e) as a condition of coverage.

6 SECTION 2. IC 25-26-13-18, AS AMENDED BY P.L.187-1999,
7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2003]: Sec. 18. (a) To be eligible for issuance of a pharmacy
9 permit, an applicant must show to the satisfaction of the board that:

10 (1) Persons at the location will engage in the bona fide practice of
11 pharmacy. The application must show the number of hours each
12 week, if any, that the pharmacy will be open to the general public.

13 (2) The pharmacy will maintain a sufficient stock of emergency
14 and frequently prescribed drugs and devices as to adequately
15 serve and protect the public health.

16 (3) Except as provided in section 19 of this chapter, a registered
17 pharmacist will be in personal attendance and on duty in the
18 licensed premises at all times when the practice of pharmacy is
19 being conducted and that the pharmacist will be responsible for
20 the lawful conduct of the pharmacy.

21 (4) One (1) pharmacist will have not more than four (4)
22 ~~unlicensed persons certified pharmacy technicians or~~
23 **pharmacy technicians in training certified under IC 25-26-19**
24 under the pharmacist's immediate and personal supervision at any
25 time. As used in this clause, "immediate and personal
26 supervision" means within reasonable visual and vocal distance
27 of the ~~licensed person:~~ **pharmacist.**

28 (5) The pharmacy will be located separate and apart from any area
29 containing merchandise not offered for sale under the pharmacy
30 permit. The pharmacy will:

31 (A) be stationary;

32 (B) be sufficiently secure, either through electronic or physical
33 means, or a combination of both, to protect the products
34 contained in the pharmacy and to detect and deter entry during
35 those times when the pharmacy is closed;

36 (C) be well lighted and ventilated with clean and sanitary
37 surroundings;

38 (D) be equipped with a sink with hot and cold running water
39 or some means for heating water, a proper sewage outlet, and
40 refrigeration;

41 (E) have a prescription filling area of sufficient size to permit
42 the practice of pharmacy as practiced at that particular

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pharmacy; and

(F) have such additional fixtures, facilities, and equipment as the board requires to enable it to operate properly as a pharmacy in compliance with federal and state laws and regulations governing pharmacies.

A pharmacy licensed under IC 25-26-10 (before its repeal on July 1, 1977) on June 30, 1977, must comply with the provisions of this clause before December 31, 1982, unless for good cause shown the board grants a waiver or otherwise exempts it.

(b) Prior to opening a pharmacy after receipt of a pharmacy permit, the permit holder shall submit the premises to a qualifying inspection by a representative of the board and shall present a physical inventory of the drug and all other items in the inventory on the premises.

(c) At all times, the wholesale value of the drug inventory on the licensed items must be at least ten percent (10%) of the wholesale value of the items in the licensed area.

SECTION 3. IC 25-26-19 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 19. Regulation of Pharmacy Technicians

Sec. 1. As used in this chapter, "board" refers to the Indiana board of pharmacy established by IC 25-26-13-3.

Sec. 2. As used in this chapter, "pharmacy technician" means an individual who:

- (1) works under the direct supervision of a pharmacist licensed under this article; and
- (2) performs duties to assist a pharmacist in activities that do not require the professional judgment of a pharmacist.

Sec. 3. As used in this chapter, "pharmacy technician in training" means a person who is enrolled in a training program for pharmacy technicians prescribed by the board.

Sec. 4. (a) The board may adopt rules under IC 4-22-2 to:

- (1) implement and enforce this chapter;
- (2) set fees under IC 25-1-8; and
- (3) establish education and training requirements for certification to practice as a pharmacy technician.

(b) The board shall:

- (1) establish standards for the competent practice of pharmacy technicians; and
- (2) subject to IC 4-21.5, IC 25-1-7, and IC 25-1-9, conduct proceedings on any matter under the jurisdiction of the board.



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1 **Sec. 5. (a) The board shall issue a pharmacy technician**
 2 **certificate to an individual who:**

3 **(1) applies to the board in the form and manner prescribed by**
 4 **the board;**

5 **(2) is at least eighteen (18) years of age;**

6 **(3) has not been convicted of a crime that has a direct bearing**
 7 **upon the individual's ability to practice competently;**

8 **(4) is not in violation of this chapter or rules adopted by the**
 9 **board under section 4 of this chapter;**

10 **(5) has paid the fee set by the board under section 4 of this**
 11 **chapter; and**

12 **(6) has completed a program of education and training**
 13 **approved by the board or has passed a certification**
 14 **examination offered by a nationally recognized certification**
 15 **body approved by the board.**

16 **(b) For good cause, the board may waive the age requirement**
 17 **under subsection (a)(2).**

18 **Sec. 6. (a) The board shall issue a pharmacy technician in**
 19 **training permit to an individual who:**

20 **(1) applies to the board in the form and manner prescribed by**
 21 **the board;**

22 **(2) is at least eighteen (18) years of age;**

23 **(3) has not been convicted of a crime that has a direct bearing**
 24 **upon the individual's ability to practice competently;**

25 **(4) is not in violation of this chapter or rules adopted by the**
 26 **board under section 4 of this chapter; and**

27 **(5) has applied for certification under section 5 of this**
 28 **chapter.**

29 **(b) An applicant:**

30 **(1) may work as a pharmacy technician in training without a**
 31 **permit for not more than thirty (30) consecutive days after the**
 32 **applicant files an application under this section;**

33 **(2) shall provide the applicant's employer with a receipt**
 34 **issued by the board that:**

35 **(A) provides the date an application under this section was**
 36 **filed; and**

37 **(B) indicates that the fee has been paid;**
 38 **before the applicant may begin work as a pharmacy**
 39 **technician in training; and**

40 **(3) may request an additional thirty (30) day period to**
 41 **practice as a pharmacy technician in training without a**
 42 **permit. The board may approve a request under this**

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subdivision if the board determines that the extension is for good cause.

(c) A pharmacy technician in training permit expires on the earliest of the following:

(1) The date the permit holder is issued a pharmacy technician certificate under this chapter.

(2) The date the board disapproves the permit holder's application for a pharmacy technician certificate under this chapter.

(3) The date the permit holder ceases to be enrolled in good standing in a pharmacy technician training program approved by the board. The graduation of a permit holder from a pharmacy technician program does not cause the permit to expire under this subdivision.

(4) Sixty (60) days after the date that the permit holder successfully completes a program approved by the board.

(5) Twelve (12) months after the date of issuance.

(d) For good cause, the board may waive the age requirement in subsection (a)(2).

Sec. 7. (a) A pharmacy technician certificate expires on a date set by the health professions bureau in each even-numbered year.

(b) An application for renewal of a pharmacy technician certificate must be accompanied by the appropriate fee.

(c) If a person fails to renew a pharmacy technician certificate, the certificate may be reinstated by meeting the requirements under IC 25-1-8-6.

(d) The board may require a person who applies for a certificate under subsection (c) to appear before the board and explain the reason why the person failed to renew a pharmacy technician certificate.

Sec. 8. A certified pharmacy technician may not perform the following activities:

(1) Providing advice or consultation with the prescribing practitioner or other licensed health care provider regarding the patient or the interpretation and application of information contained in the prescription or drug order, medical record, or patient profile.

(2) Providing advice or consultation with the patient regarding the interpretation of the prescription or the application of information contained in the patient profile or medical record.

(3) Dispensing prescription drug information to the patient.



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(4) Final check on all aspects of the completed prescription and assumption of the responsibility for the filled prescription, including the appropriateness of the drug for the patient and the accuracy of the:

(A) drug dispensed;

(B) strength of the drug dispensed; and

(C) labeling of the prescription.

(5) Receiving a new prescription drug order over the telephone or electronically unless the original information is recorded so a pharmacist may review the prescription drug order as transmitted.

(6) Any activity required by law to be performed only by a pharmacist.

(7) Any activity that requires the clinical judgment of a pharmacist and is prohibited by a rule adopted by the board.

Sec. 9. (a) An individual may not practice as a pharmacy technician unless the individual is certified under this chapter.

(b) An individual may not act as a pharmacy technician in training unless the individual has obtained a permit under this chapter or the individual is acting as a pharmacy technician in training during the period permitted under section 6(b) of this chapter.

(c) An individual who knowingly violates this section commits a Class D felony.

Sec. 10. (a) If an individual violates this chapter, the attorney general, the board, or the prosecuting attorney of the county in which the individual violates this chapter may maintain an action in the name of the state to enjoin the individual from continued violation of this chapter.

(b) An injunction issued under this section does not relieve an individual person from criminal prosecution but is in addition to any remedy provided under criminal law.

SECTION 4. IC 27-8-31.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 31.2. Mail Order and Internet Pharmacy Designation

Sec. 1. As used in this chapter, "insurer" refers to an insurer (as defined in IC 27-1-2-3) that issues a policy of accident and sickness insurance.

Sec. 2. As used in this chapter, "insured" means an individual who is entitled to coverage under a policy of accident and sickness insurance.



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1 Sec. 3. As used in this chapter, "mail order or Internet based
2 pharmacy" has the meaning set forth in IC 25-26-18-1.

3 Sec. 4. As used in this chapter, "policy of accident and sickness
4 insurance" has the meaning set forth in IC 27-8-5-1.

5 Sec. 5. (a) An insurer that provides coverage for prescription
6 drugs may designate a mail order or an Internet based pharmacy
7 to provide prescription drugs to an insured.

8 (b) An insurer may not require an insured to obtain a
9 prescription drug from a pharmacy designated under subsection
10 (a) as a condition of coverage.

11 SECTION 5. IC 27-13-37.5 IS ADDED TO THE INDIANA CODE
12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2003]:

14 **Chapter 37.5. Mail Order and Internet Pharmacy Designation**

15 Sec. 1. As used in this chapter, "mail order or Internet based
16 pharmacy" has the meaning set forth in IC 25-26-18-1.

17 Sec. 2. (a) A health maintenance organization may designate,
18 under an individual contract or a group contract that provides
19 coverage for prescription drugs, a mail order or an Internet based
20 pharmacy to provide prescription drugs to an enrollee.

21 (b) A health maintenance organization may not require an
22 enrollee to obtain a prescription drug from a pharmacy designated
23 under subsection (a) as a condition of coverage.

24 SECTION 6. [EFFECTIVE JULY 1, 2003] (a) IC 5-10-8-13, as
25 added by this act, applies to an employee health benefit plan that
26 is entered into, issued, delivered, amended, or renewed after June
27 30, 2003.

28 (b) IC 27-8-31.2, as added by this act, applies to a policy of
29 accident and sickness insurance that is issued, delivered, amended,
30 or renewed after June 30, 2003.

31 (c) IC 27-13-37.5, as added by this act, applies to an individual
32 contract or a group contract that is entered into, delivered,
33 amended, or renewed after June 30, 2003.

34 SECTION 7. [EFFECTIVE JULY 1, 2003] (a) Notwithstanding
35 IC 25-26-19, as added by this act, an individual is not required to
36 be certified under IC 25-26-19, as added by this act, to practice as
37 a pharmacy technician before January 1, 2004.

38 (b) Notwithstanding IC 25-26-19, as added by this act, an
39 individual is not required to hold a permit under IC 25-26-19, as
40 added by this act, to act as a pharmacy technician in training
41 before January 1, 2004.

42 (c) This SECTION expires July 1, 2004.



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1 SECTION 8. [EFFECTIVE JULY 1, 2003] (a) Notwithstanding
2 IC 25-26-19-5(a)(6), as added by this act, an individual who applies
3 for certification as a pharmacy technician to the board of
4 pharmacy before July 1, 2004, may be certified as a pharmacy
5 technician without being required to meet the requirements of
6 IC 25-26-19-5(a)(6), as added by this act, if the individual has been
7 employed as a pharmacy technician for two (2) years before July
8 1, 2003.

9 (b) This SECTION expires July 1, 2004.

10 SECTION 9. [EFFECTIVE JULY 1, 2003] (a) As used in this
11 SECTION, "board" refers to the board of pharmacy established
12 by IC 25-26-13-3.

13 (b) Before December 31, 2003, the board shall adopt rules to set
14 the pharmacy technician certificate fee at twenty-five dollars (\$25)
15 in compliance with IC 25-1-8 and as allowed under IC 25-26-19, as
16 added by this act.

17 (c) This SECTION expires December 31, 2004.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1757, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 10, after "Sec. 5." insert **"(a)"**.

Page 2, line 22, delete "been certified as competent by" and insert **"passed a certification examination offered by a nationally recognized certification body approved by the board."**

Page 2, delete line 23, begin a new paragraph and insert:

"(b) For good cause, the board may waive the age requirement under subsection (a)(2)."

Page 2, delete lines 31 through 32.

Page 2, line 33, delete "(5)" and insert **"(4)"**.

Page 2, line 35, delete "(6)" and insert **"(5)"**.

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"(d) For good cause, the board may waive the age requirement in subsection (a)(2)."

Page 3, delete lines 26 through 32, begin a new line block indented and insert:

"(1) Providing advice or consultation with the prescribing practitioner or other licensed health care provider regarding the patient or the interpretation and application of information contained in the prescription or drug order, medical record, or patient profile.

(2) Providing advice or consultation with the patient regarding the interpretation of the prescription or the application of information contained in the patient profile or medical record.

(3) Dispensing prescription drug information to the patient.

(4) Final check on all aspects of the completed prescription and assumption of the responsibility for the filled prescription, including the appropriateness of the drug for the patient and the accuracy of the:

(A) drug dispensed;

(B) strength of the drug dispensed; and

(C) labeling of the prescription."

Page 3, between lines 36 and 37, begin a new line block indented and insert:

"(6) Any activity required by law to be performed only by a pharmacist.

(7) Any activity that requires the clinical judgment of a

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pharmacist and is prohibited by a rule adopted by the board."

Page 4, delete lines 2 through 16.

Page 4, line 17, delete "11." and insert "**10.**".

Page 4, line 40, delete "IC 25-26-19-5(6)," and insert "**IC 25-26-19-5(a)(6),**".

Page 5, line 2, delete "IC 25-26-19-5(6)," and insert "**IC 25-26-19-5(a)(6),**".

Page 5, line 3, delete "five (5)" and insert "**two (2)**".

and when so amended that said bill do pass.

(Reference is to HB 1757 as introduced.)

BROWN C, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1757, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, delete lines 36 through 40.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1757 as printed February 11, 2003.)

CRAWFORD, Chair

Committee Vote: yeas 27, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1757 be amended to read as follows:

Page 1, line 10, delete "IC 25-26;" and insert "**this article;**".

Page 2, line 36, delete "paid the fee set by the board" and insert "**applied for certification**".

Page 2, line 36, delete "4" and insert "**5**".

Page 4, line 29, after "IC 25-26-19" insert ", **as added by this act,**".

(Reference is to HB 1757 as printed February 20, 2003.)

KLINKER

HOUSE MOTION

Mr. Speaker: I move that House Bill 1757 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10-8-13 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 13. (a) As used in this section, "covered individual" means an individual who is entitled to coverage under an employee health benefit plan.**

(b) As used in this section, "employee health benefit plan" means a group plan of self-insurance, policy, or contract that:

- (1) provides coverage for prescription drugs; and**
- (2) is established, purchased, or entered into by an employer for the benefit of the employer's employees.**

(c) As used in this section, "employer" means the following:

- (1) A public employer.**
- (2) A state educational institution (as defined in IC 20-12-0.5-1).**

(d) As used in this section, "mail order or Internet based pharmacy" has the meaning set forth in IC 25-26-18-1.

(e) An employee health benefit plan that provides coverage for prescription drugs may designate a mail order or an Internet based pharmacy to provide prescription drugs to a covered individual.

(f) An employee health benefit plan may not require a covered individual to obtain a prescription drug from a pharmacy designated under subsection (e) as a condition of coverage.

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SECTION 2. IC 12-15-5-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 7. (a) The office or a managed care organization that has a contract with the office under IC 12-15-12 may designate a mail order or an Internet based pharmacy (as defined in IC 25-26-18-1) to provide prescription drugs to a recipient.**

(b) The office or a managed care organization described in subsection (a) may not require a recipient to obtain a prescription drug from a pharmacy designated under subsection (a)."

Page 1, line 10, delete "IC 25-26;" and insert "this article;".

Page 4, between lines 26 and 27, begin a new paragraph and insert: "SECTION 4. IC 27-8-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 31. Mail Order and Internet Pharmacy Designation

Sec. 1. As used in this chapter, "insurer" refers to an insurer (as defined in IC 27-1-2-3) that issues a policy of accident and sickness insurance.

Sec. 2. As used in this chapter, "insured" means an individual who is entitled to coverage under a policy of accident and sickness insurance.

Sec. 3. As used in this chapter, "mail order or Internet based pharmacy" has the meaning set forth in IC 25-26-18-1.

Sec. 4. As used in this chapter, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1.

Sec. 5. (a) An insurer that provides coverage for prescription drugs may designate a mail order or an Internet based pharmacy to provide prescription drugs to an insured.

(b) An insurer may not require an insured to obtain a prescription drug from a pharmacy designated under subsection (a) as a condition of coverage.

SECTION 5. IC 27-13-37.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 37.5. Mail Order and Internet Pharmacy Designation

Sec. 1. As used in this chapter, "mail order or Internet based pharmacy" has the meaning set forth in IC 25-26-18-1.

Sec. 2. (a) A health maintenance organization may designate, under an individual contract or a group contract that provides coverage for prescription drugs, a mail order or an Internet based pharmacy to provide prescription drugs to an enrollee.

(b) A health maintenance organization may not require an

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enrollee to obtain a prescription drug from a pharmacy designated under subsection (a) as a condition of coverage.

SECTION 6. [EFFECTIVE JULY 1, 2003] (a) IC 5-10-8-13, as added by this act, applies to an employee health benefit plan that is entered into, issued, delivered, amended, or renewed after June 30, 2003.

(b) IC 12-15-5-7, as added by this act, applies to a contract with a managed care organization that is entered into, delivered, amended, or renewed after June 30, 2003.

(c) IC 27-8-31, as added by this act, applies to a policy of accident and sickness insurance that is issued, delivered, amended, or renewed after June 30, 2003.

(d) IC 27-13-37.5, as added by this act, applies to an individual contract or a group contract that is entered into, delivered, amended, or renewed after June 30, 2003."

Page 4, line 29, after "IC 25-26-19" insert ", as added by this act,".
Renumber all SECTIONS consecutively.

(Reference is to HB 1757 as printed February 20, 2003.)

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SENATE MOTION

Mr. President: I move that Senator Antich be added as cosponsor of Engrossed House Bill 1757.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1757, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 6 through 14, begin a new paragraph and insert:

"SECTION 2. IC 25-26-13-18, AS AMENDED BY P.L.187-1999, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. (a) To be eligible for issuance of a pharmacy permit, an applicant must show to the satisfaction of the board that:

- (1) Persons at the location will engage in the bona fide practice of pharmacy. The application must show the number of hours each week, if any, that the pharmacy will be open to the general public.
- (2) The pharmacy will maintain a sufficient stock of emergency and frequently prescribed drugs and devices as to adequately serve and protect the public health.
- (3) Except as provided in section 19 of this chapter, a registered pharmacist will be in personal attendance and on duty in the licensed premises at all times when the practice of pharmacy is being conducted and that the pharmacist will be responsible for the lawful conduct of the pharmacy.
- (4) One (1) pharmacist will have not more than four (4) ~~unlicensed persons certified~~ **pharmacy technicians or pharmacy technicians in training certified under IC 25-26-19** under the pharmacist's immediate and personal supervision at any time. As used in this clause, "immediate and personal supervision" means within reasonable visual and vocal distance of the ~~licensed person: pharmacist.~~
- (5) The pharmacy will be located separate and apart from any area containing merchandise not offered for sale under the pharmacy permit. The pharmacy will:
 - (A) be stationary;
 - (B) be sufficiently secure, either through electronic or physical means, or a combination of both, to protect the products contained in the pharmacy and to detect and deter entry during those times when the pharmacy is closed;
 - (C) be well lighted and ventilated with clean and sanitary surroundings;
 - (D) be equipped with a sink with hot and cold running water or some means for heating water, a proper sewage outlet, and refrigeration;

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(E) have a prescription filling area of sufficient size to permit the practice of pharmacy as practiced at that particular pharmacy; and

(F) have such additional fixtures, facilities, and equipment as the board requires to enable it to operate properly as a pharmacy in compliance with federal and state laws and regulations governing pharmacies.

A pharmacy licensed under IC 25-26-10 (before its repeal on July 1, 1977) on June 30, 1977, must comply with the provisions of this clause before December 31, 1982, unless for good cause shown the board grants a waiver or otherwise exempts it.

(b) Prior to opening a pharmacy after receipt of a pharmacy permit, the permit holder shall submit the premises to a qualifying inspection by a representative of the board and shall present a physical inventory of the drug and all other items in the inventory on the premises.

(c) At all times, the wholesale value of the drug inventory on the licensed items must be at least ten percent (10%) of the wholesale value of the items in the licensed area."

Page 3, line 27, delete "The board must approve an application for a pharmacy" and insert "**An applicant:**

(1) may work as a pharmacy technician in training without a permit for not more than thirty (30) consecutive days after the applicant files an application under this section;

(2) shall provide the applicant's employer with a receipt issued by the board that:

(A) provides the date an application under this section was filed; and

(B) indicates that the fee has been paid; before the applicant may begin work as a pharmacy technician in training; and

(3) may request an additional thirty (30) day period to practice as a pharmacy technician in training without a permit. The board may approve a request under this subdivision if the board determines that the extension is for good cause."

Page 3, delete lines 28 through 29.

Page 5, line 5, delete "chapter." and insert "**chapter or the individual is acting as a pharmacy technician in training during the period permitted under section 6(b) of this chapter."**

Page 5, line 16, delete "IC 27-8-31" and insert "IC 27-8-31.2".

Page 5, line 19, delete "Chapter 31." and insert "**Chapter 31.2."**

Page 6, delete lines 11 through 13.

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Page 6, line 14, delete "(c)" and insert "**(b)**".

Page 6, line 14, delete "IC 27-8-31," and insert "**IC 27-8-31.2,**".

Page 6, line 17, delete "(d)" and insert "**(c)**".

Page 6, after line 37, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE JULY 1, 2003] **(a) As used in this SECTION, "board" refers to the board of pharmacy established by IC 25-26-13-3.**

(b) Before December 31, 2003, the board shall adopt rules to set the pharmacy technician certificate fee at twenty-five dollars (\$25) in compliance with IC 25-1-8 and as allowed under IC 25-26-19, as added by this act.

(c) This SECTION expires December 31, 2004."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1757 as reprinted February 26, 2003.)

MILLER, Chairperson

Committee Vote: Yeas 10, Nays 0.

C
O
P
Y

